

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**R.V. Individually and On Behalf of S.V-W.,
a Minor,**

Plaintiff,

v.

**PEDRO A. RIVERA, COMMONWEALTH
OF PENNSYLVANIA,
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
EDUCATION,**

Defendants.

CIVIL ACTION

NO. 16-2277

ORDER

AND NOW, this 5th day of December, 2016, upon consideration of Defendants' motion to dismiss for failure to state a claim (ECF No. 5), the opposition thereto (ECF No. 13) as amended (ECF No.'s 18 and 19), the reply (ECF No. 14), and sur-reply (ECF No. 17), it is hereby **ORDERED** that the motion to dismiss is **DENIED**.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

WENDY BEETLESTONE, J.